THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 13206 of 2004

Dated: 30-01-2006

Between:

Mohd.Hussain

..... PETITIONER

AND

The Mandal Revenue Officer, Mangalagiri and another

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.13206 of 2004

O R D E R:

The writ petitioner is a kerosene hawker in respect of Ward Nos.23 and 24 of Mangalagiri Village and Mandal. On a complaint made by the Muncipal Councillors of the said Wards, alleging that the petitioner was distributing four litres of kerosene to the cardholders instead of five litres and that he was charging higher rates, a show cause notice, dated 12.04.2000 was issued by the first respondent-Mandal Revenue Officer calling upon him to show cause as to why his licence should not be cancelled. The charges specified in the show cause notice are as under:

1. Charge No.1: that he being the hawker of 23rd and 24th wards of Mangalagiri Municipality distributed only four litres instead of five litres kerosene during January to March 2000 to the cardholders and thereby mischief the cardholders for his self gain.

2. Charge No.2: that he being the hawker of 23rd and 24th wards of Mangalagiri Municipality charged Rs.3.25 instead of Rs.3.00 per liter during January and February and Rs.6.25 instead of Rs.6.00 during March 2000 and thereby he has not distributed the kerosene to the cardholders at the rates fixed by the Government and collected Rs.0.25 excess from the cardholders.

3. Charge No.3: that he being the hawker of 23rd and 24th wards of Mangalagiri Municipality not distributed K.oil to 96 cardholders during January and February and not shown the balance quantity pertaining to these cards in the stock registers and thereby he misused the quantity.

4. that he being the hawker of 23rd and 24th wards of Mangalagiri Municipality, out of 2625 litres, he lifted only 1798 litres during March 2000 and he has not filed DD for the balance quantity up to 31st.

5. that he being the hawker of 23rd and 24th wards of Mangalagiri Municipality, he used to not attending the month end meetings.

The petitioner submitted his explanation denying all the allegations. Having considered the same and having made due enquiry, the first respondent by order, dated 27.07.2000, cancelled the licence of the petitioner holding that he has violated Clause 12(1)(2) and Clause 13 of the Andhra Pradesh Petroleum Products Licencing and Regulation of Supplies Order, 1980. Aggrieved by the same, the petitioner preferred an appeal before the second respondent-Revenue Divisional Officer, Tenali. The second respondent on re-appreciation of the material on record by order, dated 18.01.2004, confirmed the findings recorded by the first respondent and accordingly upheld the order of cancellation of the licence of the petitioner. Hence, this writ petition seeking a declaration that the said orders passed by the

respondents are illegal and arbitrary.

I have heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents and perused the material on record.

As can be noted from the charges levelled against the petitioner, extracted above, the allegations against him were that he was not distributing the required quantity to the cardholder and also he was collecting the rates higher than the rates prescribed. Both the allegations are grave in nature. Though the petitioner denied the said allegations, respondents 1 and 2 have concurrently recorded a finding that the allegations are held proved. I do not find any justifiable reason to interfere with the said concurrent findings of fact.

Though the learned counsel for the petitioner vehemently contended that the impugned proceedings were initiated against the petitioner due to enmity between the petitioner and the Ex-Councillor of Mangalagiri Town, I am unable to agree with the same.

As observed by the respondents in their respective orders, the record of enquiry shows that about 200 cardholders in the enquiry stated that the petitioner had charged higher rates and distributed only four litres of kerosene oil instead of five. It was also observed from the cards produced by the cardholders that they had received only four litres of kerosene, though in the sales register maintained by the petitioner, it was mentioned that they received five litres. In the light of the above material, the respondents have rightly concluded that the petitioner failed to make correct entries in the registers.

Having regard to the facts and circumstances, I do not find any infirmity in the conclusions arrived at by the respondents and the impugned orders do not suffer from any error either fact or law warranting interference by this Court in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, the writ petition is dismissed. No costs.

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30.01.2006

klp/kdl